

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 05-22285-CIV-GOLD/TURNOFF

GUSTAVO A. MORALES,

Plaintiff,

vs.

CITIBANK f/k/a
THE NATIONAL CITY BANK OF NEW YORK,

Defendant.

**MOTION TO REOPEN ADMINISTRATIVELY
CLOSED CASE AND FOR SUBSTITUTION OF PARTIES**

Plaintiff, GUSTAVO A. MORALES (“MORALES”), moves for an order reopening administratively closed case and substituting JUSTA C. MORALES (JUSTA), personal representative of the estate of GUSTAVO A. MORALES, deceased, as Plaintiff in this action on the following grounds:

1. The present cause of action was first filed by Plaintiff on or about August 16, 2005.
2. On March 6, 2006 Plaintiff died leaving a last will and testament.
3. On or about March 14, 2006 this Court entered an Order Staying and Administratively Closing Case pending the administration of Plaintiff’s will, wherein he devised the property which is the subject matter of the present action.
4. Plaintiff’s last will and testament was admitted into probate on November 28, 2006 in the Eleventh Judicial Circuit of Florida.

5. Also on November 28, 2006 letters of administration were issued to JUSTA, who then commenced acting and is still acting in her capacity as personal representative.
6. Pursuant to this Court's March 14, 2006 order it is thereby requested that the present cause of action be reopened and allowed to proceed with JUSTA as the Plaintiff in substitution of GUSTAVO MORALES (deceased).
7. Contemporaneously herewith a Suggestion of Death Upon the Record Under Federal Rules of Civil Procedure 25(a)(1) has been filed.

WHEREFORE, Plaintiff, GUSTAVO A. MORALES, respectfully requests that an order be issued reopening the present cause of action, substituting JUSTA C. MORALES, as Plaintiff in this action for GUSTAVO A. MORALES, and granting any other relief as this Court may deem just and proper.

Respectfully submitted,

DORTA & ORTEGA, P.A.

/s/ Omar Ortega, Esq.
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 30, 2007, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record, corporations, or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsels or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Omar Ortega, Esq. _____

Omar Ortega, Esq.

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SERVICE LIST

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